

**REPRESENTATIVE TOWN MEETING
TOWN OF DARIEN, CONNECTICUT
PUBLIC WORKS COMMITTEE**

Minutes of a Meeting Held on September 26, 2005

On September 26, 2005, a regularly scheduled meeting of the RTM Public Works Committee was held in Room 213 of the Darien Town Hall. Eight out of nine members were present. Present were:

Charles Andrew (Chairman)	John DeVita
Frank Kemp (Vice-Chairman)	L.J. Galvin
David Bayne (Clerk)	Stephen Johnson
Mark Dailey	Brian Rayhill

Absent was Elsie Berl. John T.H. Cook advised the Chairman that he had resigned his seat on the RTM and was, therefore, no longer a member of the Public Works Committee.

Also present were Director of Public Works Robert S. Steeger, Jr. and Assistant Director of Public Works Darren Oustafine.

The meeting was called to order by Mr. Andrew at 7:30 p.m. On the agenda was consideration of Resolution (05-13) appropriating \$2,100,000 for the design and construction of sewer extension projects in Darien and authorizing the issuance of certain bonds and/or notes to meet the appropriation.

Mr. Steeger made a presentation to the Committee explaining the process by which sewer projects come before the Town and describing the current status of each of the three sewer extension projects included in the Resolution before the Committee. These three projects are Five Mile River Road, St. Nicholas Road and Brushy Hill Road. Each of these

projects have been approved by a majority of homeowners in the affected area, the Darien Sewer Commission, the Board of Selectmen and the Board of Finance. RTM approval is the final governmental approval needed to move forward with the projects.

Mr. Steeger reported that the Five Mile River Road project will benefit 40 houses, 21 of which approved the project and 19 opposed it. The St. Nicholas Road project will benefit seven properties, six of which are in favor of the project and one opposed. The Brushy Hill Road extension will benefit 25 properties, of which 16 are in favor and one opposed. The remaining eight Brushy Hill Road homeowners impacted by the project declined to express an opinion one way or the other. Mr. Steeger explained that pursuant to State law, a benefit analysis was performed by an appraiser on each neighborhood and that the estimated benefit to the properties affected by the extension had to exceed the estimated cost of the project or the project would not have progressed to its present stage. No one from any of the affected neighborhoods attended the Committee's meeting or otherwise communicated with the Committee to express their opinions on the proposed sewer extension.

The Town will only be responsible for extending the sewer lines in each neighborhood up to the property lines of the private residences on each street. It will then be the responsibility of the property owners to contract and pay for the actual hook-up of their homes to the sewer line. The decision whether to connect to the sewer line will be up to each property owner assuming that their septic systems are otherwise working properly.

Mr. Steeger stated that the estimated total cost of the three extensions will be slightly more than \$1.7 million. However, bids have only been received on the Five Mile River Road extension, which is part of the reason why the Resolution authorizes more money than the currently estimated cost of the projects. There will also be legal and underwriting costs for the bonds and notes issued to pay for the project. Each of the affected properties will be assessed for a proportionate share of the cost of extension pertaining to its neighborhood. All costs of the extension are to be ultimately borne by the benefitted properties, and it is anticipated that there will be no net cost to the Town for these projects. However, the bonds and notes issued to pay for the work will constitute general obligations of the Town of Darien and be backed by the full faith and credit of the Town.

The actual assessments of homeowners for their share of the cost of the work will be made after each project is completed and the actual costs are known. After the assessments are made, property owners will have the choice of paying the assessment immediately or in twenty annual installments. The assessment will become a lien on the property and will be transferred to any subsequent owners should the property be sold before the assessment is fully satisfied.

Several Committee members questioned Mr. Steeger about the details of the project including whether homeowners would have a say in where the lateral extensions to the property lines would be placed, why the Sewer Commission undertook the costs of the design work before obtaining Town approval for the funding of the project, and when the

work would be performed assuming the Resolution was approved. Mr. Steeger responded by saying that individual property owners could designate where they want to sewer line to meet their property lines, that the Sewer Commission had to incur the design costs in order to give property owners estimates of what their assessments would be and he advised that the work in Five Mile River Road and St. Nicholas Road would hopefully be completed by December 2005 and that the Brushy Hill Road extension would be started and completed in the Spring of 2006. Mr. Steeger was also asked whether any of the property owners opposing the extensions had threatened litigation against the Town if the extensions were approved, and Mr. Steeger responded that he was not aware of any such threats.

The Committee then engaged in a discussion of the Resolution. There was a general consensus that sewer extensions confer an overall benefit to the Town, and no member saw any reason to oppose the three extensions proposed in the Resolution. Mr. Rayhill, however, noted that it was distressing that no explanatory information about the projects or the financing being authorized by the Resolution was distributed to the Committee or to the RTM. The Chairman, Mr. Andrew, agreed and pointed out that there was also no excuse for the distribution of a second revised Resolution to the RTM late last week without any explanation of why the original Resolution was revised or even what changes had been made. The Vice-Chairman, Mr. Kemp, thanked both Mr. Steeger and Mr. Oustafine on behalf of the Committee for meeting with the Committee to explain the proposed projects.

After a discussion, the Committee agreed that the lack of written information explaining this Resolution and the sewer extension projects themselves was entirely unsatisfactory. Mr. Andrew was authorized by the Committee to comment on the lack of information provided to the Committee and the RTM in his report to the full RTM with respect to the Committee's action on the Resolution.

David Bayne moved that the Committee vote to recommend approval of Resolution (05-13) appropriating \$2,100,000 for the design and construction of sewer extension projects in Darien and authorizing the issuance of certain bonds and/or notes to the full RTM. The motion was seconded by both L.J. Galvin and John DeVita. The Committee then unanimously approved the motion by a vote of eight to zero.

David Bayne then moved to adjourn the meeting which motion was seconded by Charles Andrew and approved by the Committee. The meeting was adjourned at approximately 8:05 p.m.

Dated: September 28, 2005

Respectfully submitted,

David F. Bayne
Clerk of the RTM Public Works Committee